



EIA REFERENCE: 16/3/3/2/B1/4/1006/22
NEAS REFERENCE: WCP/EIA/0001044/2022
DATE OF ISSUE: 07 November 2022

The Proponent
Sanlucar SA Citrus (Pty) Ltd.
P. O. Box 2779
PAARL
7620

Attention: Mr. J. du Preez

Cell: 082 338 2487

E-mail: julius.dupreez@sanlucar.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED CONSTRUCTION OF A NEW OFF-STREAM BALANCING DAM ON PORTION 1 OF FARM 220, BONNIEVALE.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

CC: (1) Ms. M. Molife (GroenbergEnviro (Pty) Ltd)
(2) Mr. E. Swart (Swart Edward Justus Beukman)
(3) Mr. J. van Zyl (Langeberg Municipality)

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED CONSTRUCTION OF A NEW OFF-STREAM BALANCING DAM ON PORTION 1 OF FARM 220, BONNIEVALE.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred alternative as described in the Environmental Impact Assessment Report ("EIAR"), received on 27 July 2022.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Applicant
Sanlucar SA Citrus (Pty) Ltd.
P. O. Box 2779
PAARL
7620

Cell: 082 338 2487
E-mail: julius.dupreez@sanlucar.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

| Listed Activities | Project Description |
|--|---|
| <p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 11 <i>The development of facilities or infrastructure for the transmission and distribution of electricity—</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i> <i>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;</i></p> <p><i>excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is—</i></p> <p><i>(a) temporarily required to allow for maintenance of existing infrastructure;</i> <i>(b) 2 kilometres or shorter in length;</i> <i>(c) within an existing transmission line servitude; and</i> <i>(d) will be removed within 18 months of the commencement of development.</i></p> | <p>The development will require the upgrade of an existing transformer from 50kV to 150kV and the installation of a new overhead powerline.</p> |
| <p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 12 <i>The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></p> <p><i>excluding—</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) activities listed in activity 14 in Listing Notice 2 of</i></p> | <p>The pipeline will be located within 32m of a watercourse.</p> |

| | |
|---|---|
| <p>2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p> | |
| <p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p> | <p>The proposed development will result in the removal or moving of soil, sand, pebbles or rock of approximately 10 cubic metres from a river and riverbank.</p> |
| <p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 27</p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p> | <p>The development will require the clearance of approximately 4.5ha of indigenous vegetation.</p> |
| <p>EIA Regulations Listing Notice 3 of 2014:</p> <p>Activity Number: 12</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <p>l. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or</i></p> | <p>The installation of the new pipeline and new powerline will result in the clearance of more than 300m² of indigenous vegetation, classified as an endangered ecosystem.</p> |

| | |
|--|---|
| <p>prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>II. Within critical biodiversity areas identified in bioregional plans;</p> <p>III. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>V. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>V. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p> | |
| <p>EIA Regulations Listing Notice 2 of 2014: Activity Number: 16 <i>The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</i></p> | <p>The dam will have a maximum storage capacity of 365 000m³ and a wall height of 9.45m.</p> |

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative as it relates to the listed activities

The proposed development will entail the following:

- The clearance of indigenous vegetation for the construction of a new off stream dam with a storage capacity of 365 000m³, a wall height of approximately 9.45m and full supply level (“FSL”) area of 4.3ha. The footprint of the dam will be approximately 6.5ha. A section of the dam will be located within an old quarry;
- The construction of a new pump station (4m x 6m) next to the proposed dam wall;
- The installation of a new pump at the Breede River abstraction point, which will pump water to the proposed dam. The new pump will be located next to the existing pump and will be installed in the same manner as the existing pump;
- A spillway pipe with a diameter of approximately 500mm and a length of approximately 340m, secured in a concrete foundation;
- An outlet pipe with a diameter of approximately 300mm and a length of approximately 60m encased in reinforced concrete;

- The installation of two new pipelines;
 - Pipeline 1 will run from the new pump at the Breede River to the new dam and will have a diameter of approximately 0.315m and length of approximately 1 200m.
 - Pipeline 2 will run from the new pump station at the dam to the existing pipeline and will have a diameter of approximately 0.16m and length of approximately 200m.
- The upgrading of the existing transformer from 50 kilovolt (kV) to 150kV and the installation of a new overhead powerline with 'step up and step down' transformers. The powerline will be approximately 1 100m in length.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 1 of Farm 220, Bonnievale, at the following co-ordinates:

Co-ordinates of the proposed dam:

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 2.14" |
| Longitude (E) | 20° | 12' | 39.51" |

Co-ordinates of the Pipeline 1

Starting point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 10.48" |
| Longitude (E) | 20° | 12' | 6.74" |

Middle point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 0.34" |
| Longitude (E) | 20° | 12' | 16.87" |

End point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 57.07" |
| Longitude (E) | 20° | 12' | 38.06" |

Co-ordinates of the Pipeline 2

Starting point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 51.81" |
| Longitude (E) | 20° | 12' | 32.23" |

Middle point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 54.57" |
| Longitude (E) | 20° | 12' | 35.23" |

End point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 56.80" |
| Longitude (E) | 20° | 12' | 37.85" |

Co-ordinates of the Powerline

Starting point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 10.18" |
| Longitude (E) | 20° | 12' | 8.46" |

Middle point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 58.26" |
| Longitude (E) | 20° | 12' | 21.07" |

End point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 56.94" |
| Longitude (E) | 20° | 12' | 37.72" |

Co-ordinates of the outlet pipe

Starting point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 3.88" |
| Longitude (E) | 20° | 12' | 43.88" |

Middle point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 4.16" |
| Longitude (E) | 20° | 12' | 44.25" |

End point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 4.49" |
| Longitude (E) | 20° | 12' | 44.55" |

Co-ordinates of the Spillway pipe

Starting point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 6.10" |
| Longitude (E) | 20° | 12' | 40.11" |

Middle point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 59' | 6.21" |
| Longitude (E) | 20° | 12' | 32.89" |

End point

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 58' | 4.49" |
| Longitude (E) | 20° | 12' | 44.56" |

The SG digit code: C07300000000022000001

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

c/o Ms. M. Molife
GroenbergEnviro (Pty) Ltd
P. O. Box 1058
WELLINGTON
7654

Cell: 079 111 7378
Email: mische@groenbergenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred Alternative described in the Environmental Impact Assessment Report ("EIAR"), received on 27 July 2022 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
 - (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities, must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.

- 5.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 10 and 16.

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
- 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,
 - 6.4.5. e-mail address, if any, of the holder,
 - 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
7. The listed activities, including site preparation, may not commence within **20 (twenty)** calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of the proposed development to ensure compliance

with the provisions of the EMPr, and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.

11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website. The ECO must submit ECO reports on a quarterly basis for the duration of the proposed activity.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, that is not the ECO referred to in Condition 10 above and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The audit reports must be compiled and subsequently submitted to the Department in the following manner:

- 13.1. An audit report must be submitted to the Competent Authority within three (3) months of the commencement of the proposed development; and
- 13.2. A final audit report must be submitted within three (3) months of the completion of the proposed development.

The holder must, within 7 days of the submission of the above-mentioned report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
16. The construction footprint and the “no-go” areas must be clearly demarcated prior to the commencement of the proposed development.
17. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
18. All noise and sounds generated during the proposed expansion must comply with the relevant SANS codes and standards and the relevant noise regulations.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –

- 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
 3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
 4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, e-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently

stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 07 NOVEMBER 2022

CC: (1) Ms. M. Molife (GroenbergEnviro (Pty) Ltd)
(2) Mr. E. Swart (Swart Edward Justus Beukman)
(3) Mr. J. van Zyl (Langeberg Municipality)

E-mail: mische@groenbergenviro.co.za
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E-mail: JvZyl@langeberg.gov.za

ANNEXURE 1: LOCALITY MAP

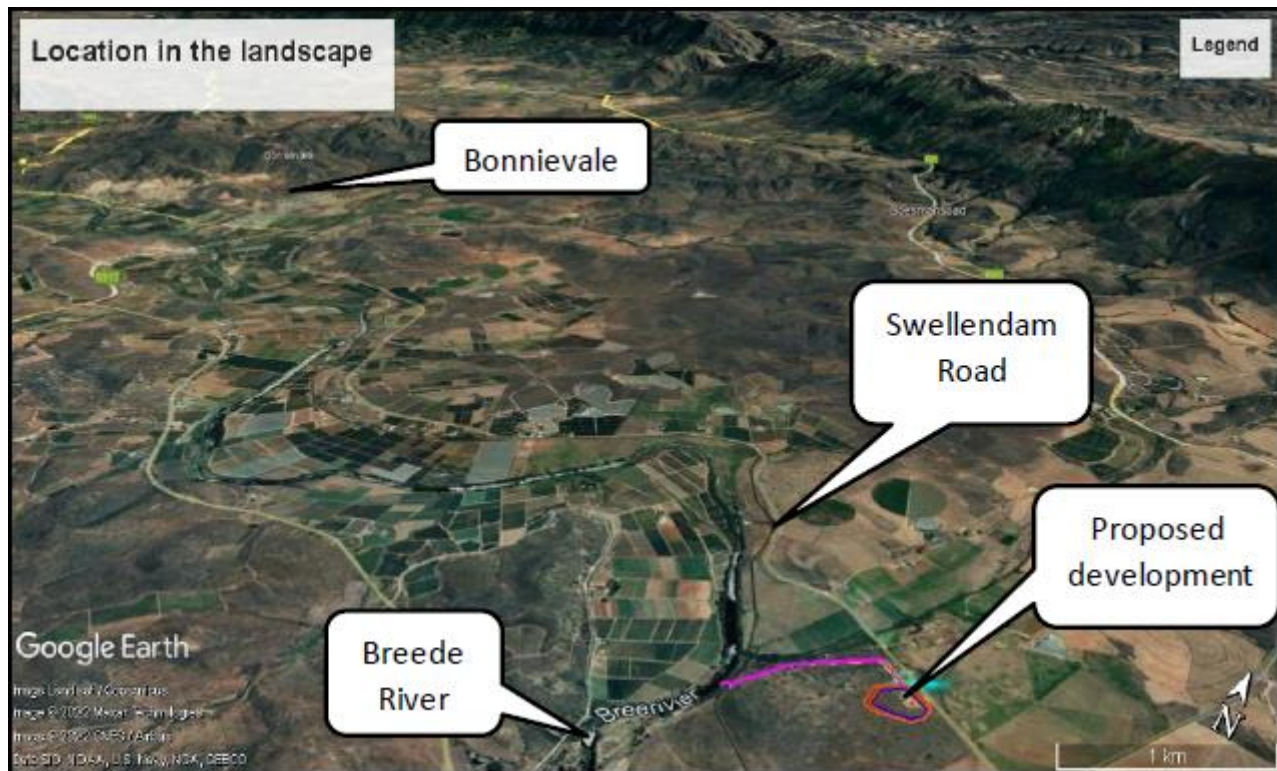


Figure 1: Location of Portion 1 of Farm 220, Bonnievale.

ANNEXURE 2: SITE PLAN

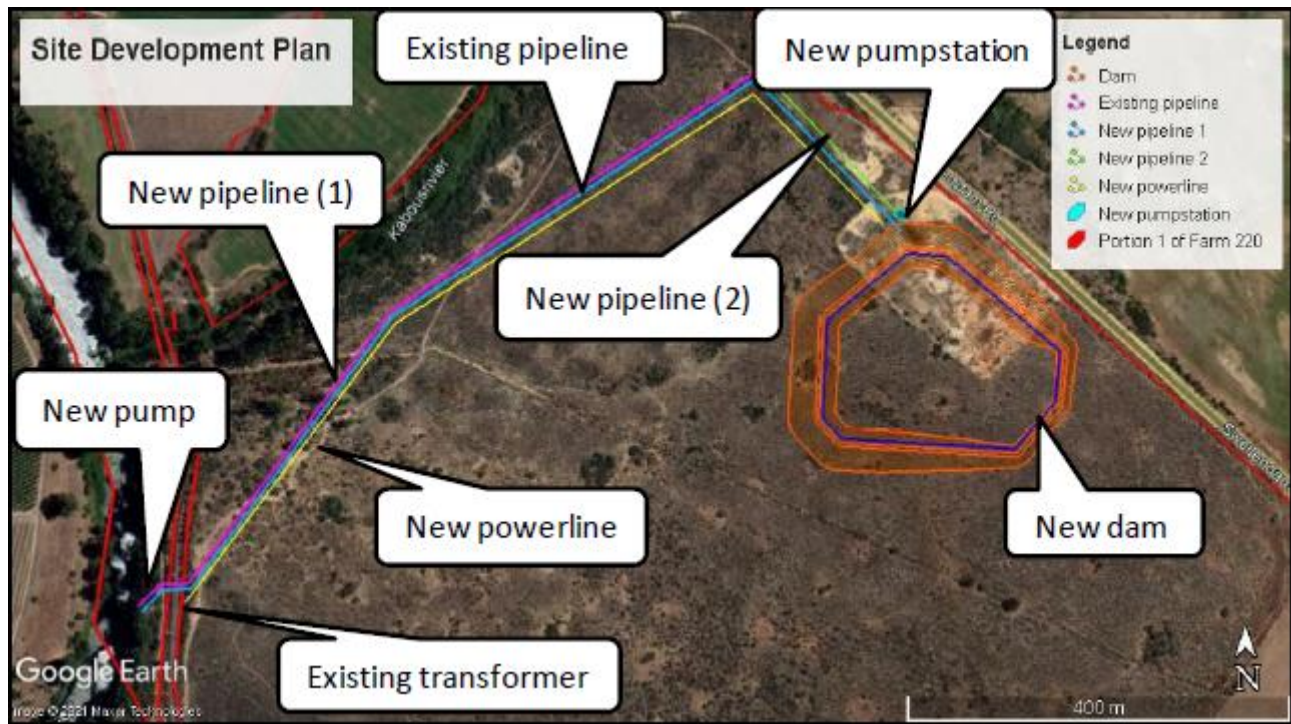


Figure 2: Proposed site plan

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form received by the Department on 16 February 2022, the EMPr submitted together with the final EIAR on 27 July 2022.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the final EIAR received on 27 July 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activities are to be undertaken;
- the placing of a newspaper advertisement in the "*Breederivier Gazette*" on 7 December 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councilor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 7 December 2021, 18 February 2022 and 10 June 2022;
- making the pre-application draft Scoping Report ("SR") available to I&APs for public review from 8 December 2021 to 28 January 2022 and the in-process draft SR from 18 February 2022 to 22 March 2022; and
- making the draft EIAR available to I&APs for public review from 10 June 2022 to 11 July 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and that the comments raised, and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Initially two sites were identified for the development of the dam. One of the sites were located within a Critical Biodiversity Area ("CBA"). The site located within a CBA was not preferred from a botanical perspective and was not investigated further.

Alternative L1 (preferred alternative)

This alternative will entail the following:

- The clearance of indigenous vegetation for the construction of a new off stream dam with a storage capacity of 365 000m³, a wall height of approximately 9.45m and full supply level ("FSL") area of 4.3ha. The footprint of the dam will be approximately 6.5ha. A portion of the dam will be located within an old quarry;
- The construction of a new pump station (4m x 6m) next to the proposed dam wall;
- The installation of a new pump at the Breede River abstraction point, which will pump water to the proposed dam. The new pump will be located next to the existing pump and will be installed in the same manner as the existing pump;
- A spillway pipe with a diameter of approximately 500mm and a length of approximately 340m, secured in a concrete foundation;
- An outlet pipe with a diameter of approximately 300mm and a length of approximately 60m encased in reinforced concrete;
- The installation of two new pipelines:
 - Pipeline 1 will run from the new pump at the Breede River to the new dam and will have a diameter of approximately 0.315m and length of approximately 1 200m.
 - Pipeline 2 will run from the new pump station at the dam to the existing pipeline and will have a diameter of approximately 0.16m and length of approximately 200m.
- The upgrading of the existing transformer from 50 kilovolt (kV) to 150kV and the installation of a new overhead powerline with 'step up and step down' transformers. The powerline will be approximately 1 100m in length.

The "No-Go" Alternative

The "No-Go" option of not proceeding with the proposed development is not preferred, as the opportunity will be lost to increase the economic viability of the farm and to ensure that sufficient water storage and supply is available for irrigation purposes, especially during periods of drought.

3. Impact Assessment and Mitigation measures

3.1. Activity need and desirability

The proposed property is zoned Agricultural Zone 1 and the proposed activity is therefore in keeping with the land use rights of the property. The proposed dam will allow the applicant to increase the financial viability of the farm, ensure employment security and to have adequate water supply

available for irrigation especially during times of drought and water restrictions. By storing the water and increasing water supply for irrigation, the full agricultural potential of the farm can be achieved, which benefits the farmer and farm workers.

3.2. Biophysical impacts

According to the Terrestrial Biodiversity Assessment Report (dated 24 May 2021, compiled by Johlene Krige) the vegetation that occurs on the proposed dam site is Breede Shale Renosterveld which is classified as least threatened in terms of the National Environmental Management: Biodiversity Act, (Act 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, December 2011. The pipeline will cross an area that is mapped to contain Cape Lowland Alluvial vegetation which is classified as critically endangered in terms of the National Environmental Management: Biodiversity Act, (Act 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, December 2011. The dam site is not located within an area identified as a Critical Biodiversity Area ("CBA"), however, the pipeline and powerline will run through an area identified as a CBA. Two species of conservation concern ("SCC") were recorded on the dam site. However, the impact on the SCC is expected to be minimal as the plant species are well represented within adjacent natural areas. The report further indicates that the pipeline and powerline will be installed adjacent to the existing pipeline and is therefore expected to have minimal impacts on the intact natural habitat. The specialist deemed the overall impacts on biodiversity to be of low negative significance, with the implementation of mitigation measures, and therefore found the preferred alternative to be acceptable from a botanical perspective.

According to the Freshwater statement (dated 25 February 2022, compiled by Everwater Freshwater Consulting), the area where the new pump and pipeline will be installed will fall within the Breede River area. This section of the Breede river is fed by several small tributaries. The new pipeline will also run along the Kabous river. The Breede river corridor at the site, as well as the Kabous river, are classified as aquatic CBA's. The specialist report indicates that although the freshwater features that falls within the proposed site are regarded to be sensitive, the proposed development will be located within an area that was previously disturbed by the existing pipeline and pump. The impacts associated with the proposed development of the pipeline and pump are regarded to be of low negative significance with the implementation of the mitigation measures.

3.3. Impact on Heritage Resources

According to the Heritage Impact Assessment ("HIA") report (dated November 2021, compiled by ACRM) a small number of pre-colonial stone age archaeological resources were recorded within the proposed site. However, no impact on important archaeological resources is expected. The report further indicates that the bedrock in the area is weathered and very unlikely to produce well preserved fossils and consequently has very low paleontological potential and no impact is expected. No graves and buildings older than 60 years were found within the proposed site. Heritage Western Cape indicated in their comment dated 6 May 2022 that they resolve to endorse the HIA.

The development will result in both negative and positive impacts.

Negative Impacts:

- Loss of indigenous vegetation; and
- Impacts on watercourses.

Positive impacts:

- The creation of temporary employment opportunities during the construction phase and permanent employment during the operational phase;
- The proposed dam will ensure that additional water is secured for irrigation purposes; and
- The proposed development will increase the economic viability of the farm and secure continued income.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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